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DAF Notes
Insights into the Daily Daf
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Shabbos Daf 7

Daf Notes is currently being dedicated to the neshamah of

Tzvi Gershon Ben Yoel (Harvey Felsen) o"h

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

The *braisa* had stated (*in its list of areas which are not regarded as a public or private domain*): and a *karmelis*.

The *Gemora* asks: Aren't all those listed (*the sea, an area of open fields, a colonnade*) a *karmelis* as well?

The *Gemora* answers: When Rav Dimi came (*to Bavel*), he said in the name of Rabbi Yochanan: This is necessary only in respect of a nook near a public domain (*for the house set back further than the other houses on the street; this formed a recess in the front of the house*); although the public sometimes press and overflow into there, yet since it is inconvenient for use, it is regarded as a *karmelis*.

When Rav Dimi came (*to Bavel*), he said in the name of Rabbi Yochanan: The place between the pillars is treated as a *karmelis*. [*The pillars were where the merchants hung their merchandise which were available to be sold; the area in front of that was occupied by blocks which served as benches – a place where the merchants sat to sell their merchandise.*] What is the reason? Though the general public walk through there, since they cannot proceed directly, it is regarded as a *karmelis*.

Rabbi Zeira said in Rav Yehudah's name: The blocks (*which were four tefachim across, and between three and ten tefachim high*) in front of the pillars are treated as a *karmelis*.

Now, the *Gemora* notes, he who stated the law of between the pillars (*that it is regarded as a karmelis*), - how much more so of the blocks (*that are a karmelis and not a public domain, for the public does not walk there*). However, he who mentions the blocks, it is only the blocks (*that are regarded as a karmelis*), because it is inconvenient for the public's use, but not between the pillars, which is convenient for the public's use (*and therefore regarded as a public domain*).

The *Gemora* cites another version (*of the last statement – the words are slightly different*): but the place between the pillars, through which the public occasionally walks, is regarded as a public domain.

Rabbah bar Shila said in the name of Rav Chisda: If a brick (*its base measuring three tefachim and the top is three tefachim*) is standing upright in a public domain, and one throws (*a sticky object*) and it adheres to its face, he is liable (*for throwing an object four amos in a public domain*); if it lands on top, he is not liable (*for being only three tefachim, it is regarded as a place of exemption*). [*When an object lies in the public domain and is between three and ten tefachim high, it is a karmelis (when it is four tefachim wide) or a place of exemption (when it is less than four); but that is only in respect of what can be put to a well-defined, natural use; e.g., the top of a brick, a low wall, upon which articles may be placed. But the side of a wall or a brick can only give accidental service, as in this case, and it is regarded – if it is less than ten tefachim high - as the airspace of the public domain, and so, when one throws an object, and after traversing four amos, it adheres to the side of the brick, it is as though it fell in the public domain, and he is liable. But the top, which, as explained by Abaye and Raba, is three tefachim high, constitutes a separate domain - a place of exemption.*]

Abaye and Rava both state: Providing that it is three *tefachim* high, so that the public do not step on it (*less than three, however, which the public would step on, is regarded as the public domain itself*); but thorns and shrubs, even if not three *tefachim* high (*one would be exempt, for people avoid stepping on them*).

Chiya bar Rav maintained: Even thorns and shrubs (*are regarded as the public domain, and one would be liable, for people wearing shoes would not avoid stepping on them*), but not dung (*less than three tefachim high, for even people wearing shoes would avoid stepping on it*).

Rav Ashi ruled: Even dung (*less than three tefachim high – one would be liable, for he maintains that anything less than three tefachim is considered subordinate to the ground; this is based on the principle of lavud – that anything within three tefachim of a certain surface is regarded as being part of that surface*).

Rabbah, of the school of Rav Shila, said: When Rav Dimi came (*to Bavel*), he said in the name of Rabbi Yochanan: No *karmelis* can be less than four (tefachim wide; if something is less than four, it can be regarded as a place of exemption).

And Rav Sheishes said: And it extends up to ten (*tefachim high*).

The *Gemora* asks: What is meant by, '*and it extends up to ten*'? Shall we say that only if there is a wall ten (*tefachim high surrounding it*) is it a *karmelis*, not otherwise; but is it not? Surely Rav Gidal said in the name of Rav Chiya bar Yosef in the name of Rav: In the case of a house, the inside of which is not ten (*tefachim in height*) but its roof (*the thickness of it*) makes it up to ten, the *halachah* is as follows: it is permitted to carry on the roof over the entire area (*for since it is ten tefachim high and more than four tefachim square, it is a full-fledged private domain*); but inside (*the house*), one may carry only four *amos* (*as a karmelis*).? [*Evidently, something can be regarded as a karmelis even without walls of ten tefachim!*]

But rather, what is meant by '*and it extends up to ten*'?' It means that only up to ten (*tefachim*) is it (*the airspace*) a *karmelis*, but not higher (*rather, it is a place of exemption*).

And this is like Shmuel said to Rav Yehudah: Sharp scholar! In matters concerning the *Shabbos*, do not consider areas above ten (*tefachim*). Regarding what *halachah* was this stated? Shall we say that there is no private domain above ten? Surely Rav Chisda said: If a person stuck a pole in a private domain, on the top of which was a basket, and someone threw an object (*from a public domain*) and it came to rest on it, even if the pole is a hundred cubits high, he is liable (*for transferring from a public domain to a private one on Shabbos*), because a private domain extends upwards to the sky (*unlike a public domain, which only extends ten tefachim*).

He cannot mean to say that there is no public domain above ten, for that is a *Mishna*, for we learned: If one throws (*an object*) four *amos* on to a (*side of a*) wall above ten *tefachim*, it is as though he throws it into the air (*and he is not liable; this is because an area higher than ten tefachim from the ground in a public domain is not considered a public domain, but rather, it is a place of exemption*); if it is below ten, it is as though he throws it on to the ground (*and he is liable*). [*What then would be the necessity for Shmuel to say the same thing?*]

Therefore, he must be referring to a *karmelis*, teaching us that there is no *karmelis* above ten.

And (*Rav Dimi and Rav Sheishes teach us that*) the Rabbis treated it (*a karmelis*) with the leniencies of both a private and a public domain.

The *Gemora* explains: 'With the leniencies of a private domain' that only if (*it measures*) four (*tefachim wide*) is it a *karmelis*, but if not, it is simply a place of exemption (*and one would be allowed to carry things in and out from there*). 'With the leniencies of a public domain' that only up to ten (*tefachim*) is it a *karmelis*, but above ten, it is not a *karmelis* (*but rather, a place of exemption*).

The text above stated: Rav Gidal said in the name of Rav Chiya bar Yosef in the name of Rav: In the case of a house, the inside of which is not ten (*tefachim in height*) but its roof (*the thickness of it*) makes it up to ten, the *halachah* is as follows: it is permitted to carry on the roof over the entire area (*for since it is ten tefachim high and more than four tefachim square, it is a full-fledged private domain*); but inside (*the house*), one may carry only four *amos* (*as a karmelis*).

Abaye said: But if one digs out four square (*tefachim*) and makes it up to ten (*for, e.g., the interior beforehand was nine tefachim, and now he carved out an area one tefach deep, there is now an area which fits the minimum requirement of a private domain – which is four tefachim square and ten tefachim high*), carrying is now permitted through the entire house. What is the reason for this? [*Perhaps it only should be permitted in the area which was carved out; the sides, however, do not have ten tefachim of airspace, and should therefore not be considered a private domain?*] The rest of the house is likened to the crevices of a private domain (*a hole in a wall of a private domain, where a person standing inside has access to*), and those are regarded as a private domain.

The *Gemora* provides support for this: For it was stated: The crevices of a private domain are regarded as a private ground. As to the crevices of a public domain (*a hole in a wall next to a public domain*), Abaye said: They are as a public domain. Rava said: They are not as a public domain (*and if they are wider than four tefachim, they are regarded as a karmelis; if they are less than that, they are a place of exemption*).

Rava said to Abaye: According to you who maintains that the crevices of a public domain are regarded as a public domain, what difference would there be between this and that of Rav Dimi, who, when he came came (*to Bavel*), he said in the name of Rabbi Yochanan: This is necessary only in respect of a nook near a public domain (*for the house set back further than the other houses on the street; this formed a recess in the front of the house*; it is regarded as a *karmelis*). But let it be as a crevice of a public domain (*and it should be treated as a public domain*)?

Abaye answers: There, the public's use is inconvenient; here, however, the use is convenient (*for it is easily accessible, and people store things in these crevices*).

The *Gemora* cites a *Mishna* taught elsewhere (*as an attempted proof that the crevice of a public domain is not considered a public domain*): If one throws (*an object*) four *amos* on to a (*side of a*) wall above ten *tefachim*, it is as though he throws it into the air (*and he is not liable; this is because an area higher than ten tefachim from the ground in a public domain is not considered a public domain, but rather, it is a place of exemption*); if it is below ten, it is as though he throws it on to the ground (*and he is liable*). Now we had asked: Why is it as though he threw it on the ground; surely it does not rest there (*but rather, it must rebound off the wall somewhat, and the final distance would be less than the four amos that is the least for which a penalty is incurred*)? And Rabbi Yochanan answered: This refers to a plump fig (*which will adhere to the wall, and not bounce back*). But if it should enter your mind that the crevices of a public domain are regarded as the public domain, why establish the *Mishna* to be referring to a plump fig; let us establish the *Mishna* to be referring to a pebble or any object, and it is a case where it rested in a crevice (*which is regarded as a public domain*)?

Sometimes Abaye answered him that a pebble or any other object are different, because they (*usually*) fall back (*out of the crevice*), and sometimes he answered him that the reference must be to a wall not possessing a crevice. How is this known? It is because of the first clause which stated: If one throws (*an object*) four *amos* on to a (*side of a*) wall above ten *tefachim*, it is as though he throws it into the air. Now if it would enter your mind that this refers to a wall with a crevice, why is it as though he threw It into the air; surely it came to rest in the crevice? And you cannot answer that the *Mishna* refers to a crevice that is not four *tefachim* square, for surely Rav Yehudah said in the name of Rabbi Chiya: If one throws (*an object*) above ten *tefachim*, and it goes and lands in a crevice of a very small size, we come to a dispute between Rabbi Meir and the Rabbis, for Rabbi Meir holds that (*where the wall is four tefachim thick*) we (*imaginarily*) carve it out to complete it (*and we regard the small crevice as being enlarged to four tefachim square, and liability is incurred*), while the Rabbis maintain that we do not carve it out to complete it. [*And since the Mishna under discussion is anonymous, it reflects R' Meir's view; and if it landed in any size crevice above ten tefachim, it would be regarded as a private domain, and he would be liable!?*] Therefore it surely follows that the reference is to a wall without a crevice. This indeed proves it.

The text above stated: Rav Chisda said: If a person stuck a pole in a private domain, on the top of which was a basket, and someone threw an object (*from a public domain*) and it came to rest on it, even if the pole is a hundred cubits high, he is liable (*for transferring from a public domain to a private one on Shabbos*), because a private domain extends upwards to the sky (*unlike a public domain, which only extends ten tefachim*).

The *Gemora* asks: Shall we say that Rav Chisda holds like Rebbe (*that one can be liable even if it was not placed on a surface which is four tefachim wide*), for it was taught in a *braisa*: If one (*in a public domain*) throws (*an object*), and it comes to rest (*four amos away*) upon a protrusion of a small size, Rebbe holds that he is liable, whereas the Sages exempt him?

Abaye said: The reference here is to a tree standing in a private domain (*where its trunk measures four tefachim*), while its branches (*which do not measure four tefachim*) incline into the public domain, and one throws (*an object*) and it comes to rest upon a branch. Rebbe holds that we say, 'cast the branch after its trunk' (*and since the trunk measures four tefachim, it is as if it landed upon something which is four tefachim square, and the "thrower" is liable for transporting an object four amos in a public domain*), but the Sages maintain that we do not say, 'cast the branch after its trunk.' (7a – 8a)